

Entered -8-17-99 - sb
CL 99L0526 - GWENDOLYN BURNS

01-*R*-0379

CLAIM OF:

TRISHA & JOE RODRIGUEZ
411 Springdale Drive, NE
Atlanta, Georgia 30305

For damages alleged to have been sustained due to a flood which occurred as a result of a creek overflow on July 6, 1999 and July 11, 1999 at 411 Spingdale Drive, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0526

Date: February 2, 2001

Claimant /Victim TRISHA & JOE RODRIGUEZ
BY: (Atty) (Ins. Co.) _____
Address: 411 Springdale Drive, NE, Atlanta, Georgia 30305
Subrogation: _____ Claim for Property damage \$ 17,821.96 Bodily Injury \$ _____
Date of Notice: 8/3/99 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/6/99, 7/11/99 Place: 411 Springdale Drive, NE,
Department PUBLIC WORKS Division SEWER OPERATIONS
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimants sustained property damage when their home was flooded as a result of the creek overflowing behind their home on the above-listed date. An investigation determined that the City did not have any complaints of debris or fallen trees in the creek until after the date of claimants' incident. Furthermore, the City experienced severe rain storms, "acts of God", on the days of the incidents which caused the creek to overflow. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

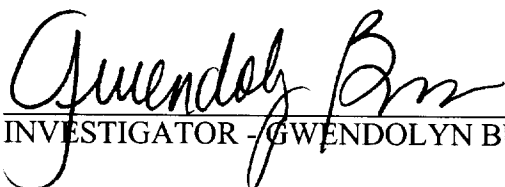
INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written X Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 03-01-01
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 7/25/99

Dear Municipal Clerk:

ENTERED - 8-17-99 - SB
99L0526 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 17,821.96 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 07/06/99 : 07/11/99 2. Time of Incident: 7-11-99 5:00pm 3. Police called: Y
(month/day/ year) Yes No

4. Location of incident (including street address): 411 Springdale Drive, ATL GA 30305

5. Name of your insurance company: Nationwide Policy No. 7710140665242

6. State what and how incident occurred: _____

See attachment.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Trisha Joe Rodriguez
(Print Claimant's Name)

411 Springdale Drive
(Address)

Atlanta, GA 30305
(City, State and Zip Code)

404-784-0588 404-885
(Work Number) (Home N)

**Trisha Rodriguez
411 Springdale Drive, NE
Atlanta, Georgia 30305
404-885-1337**

July 25, 1999

**Councilman Lee Morris
55 Trinity Avenue, SW
Atlanta, Georgia 30335**

Dear Mr. Morris,

RE: Creek Flooding @ Springdale, Sharondale, and Birchwood

I am writing you to solicit your help in resolving the recent flooding that we have been experiencing from the creek that runs behind our property. On July 6, 1999 during heavy rains, the creek swelled beyond its banks, across my backyard, up the back of my house and into my basement. The yard resembled the Chattahoochie River, with logs, debris, and raw sewer rushing downstream. I lost thousands of dollars in personal property and landscaping that my homeowners insurance will not cover.

Five (5) days later, on the afternoon of July 11, 1999, we experienced a typical afternoon thunderstorm. Once again the creek crested its banks and flooded the entire backyard and entered the house. Understand, we are not in a flood zone! This has never occurred before and it is not just the result of some fluke downpour. That is obvious by the fact that it has occurred twice in five days.

We feel there is now more surface water coming into this tiny creek than ever before. We have examined the creek and culverts during heavy rains. The creek is blocked with debris and trees, but most importantly, the culverts at Sharondale and Lindbergh are not large enough to transpose the increased water volume from one side of the street to the other

My house was for sale when these floods took place. Since then I have removed my home from the market. I have to disclose by law that the creek has flooded more than once and will likely flood again. Until the city comes up with a solution to solve this crisis, my home is not marketable to buyers and my property value has been severely damaged.

This problem requires immediate attention. Every time we endure a rainstorm we run the risk of property loss. We understand that the citizens of Atlanta approved a bond referendum in 1994 in order to address these very problems. We respectfully request that these resources be directed toward resolving this crisis immediately, before any of us experience any further property loss.

Sincerely,

Trisha Rodriguez

01-*R*-0379